

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In the matter of:

Helene and Kevin Gaudet,

Debtors

Chapter 13
Case No. 13-20376

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

NOW COMES the standing Chapter 13 trustee, Peter C. Fessenden, by and through his undersigned staff attorney, and objects to confirmation of the plan (docket # 11), as follows:

1. Specialized Loan Servicing has filed an \$18,774.95 mortgage claim. Schedule D lists the claim as the second mortgage on the Debtors' residence in Gorham, Maine. The plan does not, but should, address the claim. The creditor has objected to confirmation. The trustee reserves the right to review and object to any amendments proposed to resolve the objection.
2. Beneficial Maine, Inc. (HSBC Mortgage Services, Inc.) has filed an \$80,320.17 mortgage claim that is allegedly \$1,606.32 in arrears. Schedule D lists the claim as the third mortgage on the Debtors' residence in Gorham, Maine. The plan does not, but should, address the claim.
3. Ford Motor Credit Company has objected to confirmation. The plan provides for the cramdown of FMCC's motor vehicle claim secured by a 2008 Ford Escape. FMCC asserts that it holds a "910-claim" that must be paid in full and that it should be paid at least 6% interest instead of 4% call for in the plan. The trustee reserves the right to review and object to any amendments proposed to resolve the objection.
4. According to the information provided to the trustee, the plan does not satisfy the 11 U.S.C. § 1325(a)(4) liquidation test. The trustee's liquidation analysis indicates that at least approximately \$5,000 plus the net value of the Debtors' business must be available for distribution to unsecured claims.
5. According to the payroll information provided to the trustee, Schedule I understates Ms. Gaudet's net wages. To be confirmed, the plan must provide for the Debtors to contribute their projected disposable income as required by 11 U.S.C. § 1325(b).

WHEREFORE, the trustee respectfully requests that this Court deny confirmation of the plan, together with such other relief as this Court finds just and reasonable.

Respectfully Submitted:

Date: August 13, 2013

/s/ William H. Sandstead

WILLIAM H. SANDSTEAD, Esq.
PETER C. FESSENDEN, Esq., Trustee
Standing Chapter 13 Trustee
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CERTIFICATE OF SERVICE
FOR ELECTRONIC CASE FILING

I, **William Sandstead, Esq.**, hereby certify that I caused a true and correct copy of the following documents(s) to be served today on the parties listed below as follows:

Document(s) Served: Trustee's objection, filed herewith

Service electronically via the Court's ECF system to:

J. Scott Logan, Esq., Debtor's Counsel
Stephen Morrell, Esq., Assistant U.S. Trustee
All other parties listed on N.E.F. as being served electronically.

Service by U.S. first class mail, postage prepaid, to:

Helene and Kevin Gaudet
49 Spiller Road
Gorham, ME 04038

Signed:

Date: August 13, 2013

/s/ William H. Sandstead

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